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RECENT CASES.

ESTOPPEL.

Corporations De Jure and De Facto—Subscription for Stock—Estoppel to Deny Corporate Existence.—*Capps et al. v. Hastings Prospecting Co.*, 58 N. W. Rep. 956 (Neb.). If an association assumes to be a corporation, and acts as such, a subscriber for its stock is estopped in a suit on his subscription from denying that the corporation has legal existence; but he is not thus estopped when sued on a subscription to articles of association preliminary to formation of the corporation.

Contracts—Public Policy—Estoppel.—*Brown v. First Nat. Bank*, 37 N. E. Rep. 158 (Ind.). Although a party has received benefits from a contract, void on grounds of public policy, he is not estopped from setting up such a defense when sued upon it.

Estoppel by Pleading—Descriptio Personæ.—*Greig v. Clement et al.*, 37 Pac. Rep. 960 (Col.). The plaintiff, in the caption of his complaint, in an action of replevin for goods seized under an attachment, follows the name of the defendant with the words, "Deputy Sheriff," which was held to be merely *descriptio personæ*. In the absence of the word "as," the presumption is he was sued as an individual and not in an official character. Therefore the plaintiff is not estopped from showing that the defendant was not a deputy sheriff.

Gift—Estoppel.—*In re Osmond's Estate. Appeal of Rhoads (exec.)*, 29 Atl. Rep. 266 (Pa.). The father of the decedent made a gift to her children which she invested in mortgages and kept separate from her own money, as in trust for the children. She married a second time, and being ignorant of the rights of a surviving husband made a will giving the amount in trust to the children as she had all the time intended. Her will was read in the husband's presence before she executed it, and he expressed himself perfectly satisfied with its contents. He allowed her to die in the belief that she had made everything right in regard to the gift to the children and he is *estopped* from claiming a part of this sum in opposition to her act.

Parol License—Revocation—Estoppel.—*McBroom v. Thompson et al.*, 37 Pac. Rep. 57 (Or.). A person who was not a riparian